

REMARKS

This responds to the Decision on Appeal mailed on December 8, 2008 to reopen prosecution with amended claims.

Claims 1, 4, 5, 7, 11 and 13 are amended, claim 10 is cancelled, and claim 31 has been added. Claims 1-19 and 31 are now pending in this application.

Decision on Appeal

§102 Rejection of the Claims

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Huang et al. (U.S. 5,719,088). Claim 1 has been amended to further define the location of the passivation layer, as well as further defining how the passivation layer functions. The recited structure is not shown in the references. Further, none of the layers cited in the references function in the same manner.

A passivation layer, as used in the present application, alters the electronic properties of the surface of the transistor by being deposited directly on the transistor or other device. The function of the AIN passivation layer is to stop the uncontrolled changing of charge states at the surface during the operation of the transistor. These charge states may be due to dangling bonds, impurities, or other defects. The surface states are being controlled by this layer to be electronically passive, in contrast to being uncontrollably active. Amended claim 1 clearly recites a different structure that performs the above specific passivation function, and the rejection should be withdrawn.

§103 Rejection of the Claims

Claims 2, 5 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Yoshida (U.S. 6,281,099). This rejection is respectfully traversed.

Since claim 2 depends from claim 1, it is believed to distinguish the references for at least the same reasons as claim 1 and should be allowable. Claim 5 has been amended in a manner similar to claim 1, and along with dependent claim 9, is believed to distinguish the references for at least the same reasons.

Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Parmenter et al. (U.S. 5,026,454). This rejection is respectfully traversed.

Since claims 3 and 4 depend from claim 1, they are believed to distinguish the references for at least the same reasons as claim 1 and should be allowable.

Claims 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Yoshida as applied to claims 2, 5 and 9 above, and further in view of Parmenter. Claims 6-8 depend from claim 5 and are believed to distinguish the references for at least the same reasons as claim 5.

Claims 11-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Utumi in view of Parmenter and Yoshida. This rejection is respectfully traversed.

Claim 11 has been amended in a manner similar to claims 1 and 5, and should be allowable for at least the same reasons, as should dependent claims 12-15.

Allowable Subject Matter

Claims 17-19 were previously allowed and were not a subject of the appeal.

Claims 10 and 16 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 10 has been cancelled and rewritten as new claim 31.

Serial Number: 09/858,337

Dkt: 1153.044US1

Filing Date: May 15, 2001

Title: AIN COATED HETEROJUNCTION FIELD EFFECT TRANSISTOR AND METHOD OF FORMING AN AIN COATING

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

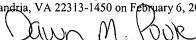
Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 6, 2009.

Name



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